

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	1/30, 3/5

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**WHAT THE MEASURE DOES:** Allows a soldier, sailor, marine, member of the Air Force, or member of the National Guard on active duty to notify a creditor or a person suing the service member that the service member is on active duty and protected by the Service Member's Civil Relief Act (SCRA). Allows the service member to obtain attorney's fees and damages if the service member notifies a party at least 30 days prior to the commencement of legal action under this measure that the service member is protected by the SCRA. Allows the defendant to avoid attorney fees by remedying the violation before the commencement of a lawsuit. Gives the defendant 30 days to remedy. Requires the service member to give the other party a general description of the violation. Makes the measure applicable only to conduct that occurs after the effective date of the measure. Exempts an action under this measure from court ordered arbitration.

**ISSUES DISCUSSED:**

- Number of Oregon National Guardsmen and women on active duty.
- Protection of servicemen and women on active duty.
- Ability of creditors to cure.

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the bill.

**BACKGROUND:** The Service Member's Civil Relief Act expanded and improved the former Soldiers' and Sailors' Civil Relief Act. The SCRA provides a wide range of protections for individuals entering, called to active duty in the military, or deployed service members. It is intended to postpone or suspend certain civil obligations to enable service members to devote full attention to duty and relieve stress on the family members of those deployed service members. Service members may be protected against are outstanding credit card debt, mortgage payments, pending trials and taxes. For example, a credit card company cannot charge a soldier in Iraq more than 6% interest on a credit card debt, nor can it assess penalties and late fees. However, some businesses ignore the Act and charge interest in excess of what the law allows and access penalties and late fees. The soldier is left with the option of retaining an attorney to enforce his or her rights under the SCRA.